

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DINO ANTOLINI,

Plaintiff,

- against -

110 THOMPSON ST OWNERS CORP., et al.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/16/2020

19 Civ. 10567 (PGG) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On June 24, 2020, the Soseb Defendants filed a letter requesting a pre-motion conference to discuss their anticipated motion to dismiss. The parties since filed several pieces of correspondence about that issue. On September 8, 2020, the Court directed the parties to inform the Court (1) whether they consent to treat the request for a pre-motion conference as a motion to dismiss that the Court may decide based on all correspondence already filed; or (2) whether they instead prefer to proceed by way of formal motion and briefing. (Dkt. 98.) The Court further explained that in either instance, because the motion is dispositive, I would issue a report and recommendation to the District Judge unless the parties consent to my deciding the motion. (*Id.*)

All parties responded, and all consented to treat the request for a pre-motion conference as a motion to dismiss that the Court may decide based on all the correspondence already filed. (Dkt. 100-102.) The parties' responses, however, differed in one respect – two consented to have me render a decision (and order); one consented to have me issue a report and recommendation to the District Judge.

Accordingly, no later than **September 23, 2020**, the parties shall jointly meet and confer and file with District Judge Gardephe a jointly signed consent form (available on the Court's web page) indicating whether the parties consent to have the undersigned (1) issue a report and recommendation, OR (2) render a decision and order.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 16, 2020
New York, New York

Copies transmitted to all counsel of record.